

## **REMARKS**

### **Request For Interview Before Continued Examination**

The present application has been previously examined by the Examiner and is now the subject of a request for continued examination. Before the Examiner continues the examination of the application, Applicants respectfully request an interview regarding the subject matter of the claims. Accordingly, the Examiner is requested to call one of the Applicants' attorneys at the convenience of the Examiner. The Examiner may reach either Richard E. Stanley, Jr., Esq. at 312-321-4279 or Andrew D. Stover, Esq. at 312-321-4713.

### **Claim Rejections - 35 U.S.C. § 103**

Claims 1, 6-14 and 16-18 are currently pending in the application. In the present Reply, Applicants have amended claim 1 and have added new claims 19-33.

In the previous examination, claims 1, 8, 9 and 14 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Yang (U.S. Patent No. 5,503,455) in view of Koa (U.S. Patent No. 5,067,773). Claims 6, 7, 16 and 17 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Yang. Claim 18 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Yang in view of Fujita et al. (U.S. Patent No. 6,315,364). Claims 10 and 11 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Yang in view of Levine (U.S. Patent No. 2,864,438). Claims 10, 12 and 13 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Yang in view of Fujita et al.

Applicants have carefully considered the Examiner's comments and have resubmitted the claims along with new claims in a form that overcomes the Examiner's previous rejections.

Amended claim 1 clarifies the limitation requiring an undercut along the outside of the teeth and removes the limitations requiring the teeth to have a rounded top and a base and extending upward. In the January 14, 2003 Office Action, the Examiner relied upon Yang as "comprising a frame (1) having a series of grasping members (11) located around a circumference of the frame and fabric (20) as seen in Figure 2."

(1/14/03 Office Action at 2). The Examiner further asserted that: "The grasping members (11) comprise an undercut area along an outside of the grasping members as seen in Figure 3." (*Id.*).

As the Applicants previously argued, Yang does not disclose an undercut area along the outside of the teeth. The Examiner asserts that an undercut area is disclosed in Figure 3 but does not identify what feature in Figure 3 constitutes an undercut area. Contrary to the Examiner's allegation, Figures 4 and 6 of Yang make it clear that there is no undercut area disclosed in Yang. The cross-sectional drawings of Figures 4 and 6 show that the cords 21 fit within a channel 11. The unnumbered tabs that are formed by the channels 11 (see *also* Figure 3) do not in fact have an area that cuts under the tabs. Instead, the side of the tabs adjacent the cords 21 is straight from the top of the tab to the base of the tab.

Nevertheless, in an effort to advance prosecution, Applicants have added additional language to claim 1 to clarify what is meant by an undercut area. Accordingly, amended claim 1 now states that the undercut area is defined by a first retaining surface and a second retaining surface. The second retaining surface overhangs the first retaining surface, thus defining an area that cuts under the teeth. The fabric may then be disposed under the second retaining surface.

In the January 14, 2003 Office Action, the Examiner relied upon Koa as "disclos[ing] grasping members (52) that have a rounded top and base as seen in Figure 4." (1/14/03 Office Action at 3). As noted above, claim 1 as now presented no longer includes this limitation. Thus, this point of dispute is moot.

Turning now to the newly added claims, none of the prior art of record discloses the limitations of new claim 19. In particular claim 19 requires a frame with a first, body-facing side facing in a first direction. The second side faces a second direction that is opposite of the first direction. The frame comprises a plurality of grasping members that extend from the first, body-facing side of the frame in the first direction. A flexible fabric engages the plurality of grasping members by permitting the grasping members to extend through the flexible fabric.

None of the prior art of record discloses the combination of limitations required by claim 19. Specifically, the grasping members disclosed in Yang (*i.e.*, the unnumbered

tabs) do not extend from a first, body-facing side of a frame in a first direction. Instead, the unnumbered tabs of Yang extend downward away from the body-facing side of the frame. This can be seen in Figure 2, where the body-facing side of the frame 10 is the side facing the seat cushion 40 and the seat cushion anchorage holes 41. In contrast, the unnumbered tabs extend outward from the rear side of the frame 10. (See *also* col. 2, lines 15-17; col. 2, lines 26-28; col. 4, lines 4-5). Thus, Yang does not disclose the limitation of claim 19, which requires teeth extending from a first, body-facing side of a frame.

The limitations of new claim 24 are also not disclosed by any of the prior art of record. In particular claim 24 requires a frame with a body-facing surface, an outer periphery and an inner periphery. The inner periphery defines an opening. The frame also includes a plurality of grasping members that extend from the frame along the outer periphery of the frame. A fabric covers the opening and at least a portion of the body-facing surface of the frame. The fabric also engages the plurality of grasping members by permitting the grasping members to extend through the fabric. None of the prior art of record discloses this combination of limitations. Specifically, the grasping members disclosed in Yang (*i.e.*, the unnumbered tabs) extend along the inner periphery of the frame, not an outer periphery of a frame. Furthermore, the fabric disclosed in Yang does not cover a portion of the body-facing surface of the frame. As explained above, the grasping members disclosed in Yang (*i.e.*, the unnumbered tabs) extend downward away from the body-facing side of the frame. As such, the fabric in Yang covers the rear side of the frame, not the body-facing surface of the frame.

The limitations of new claim 29 are also not disclosed by any of the prior art of record. In particular claim 29 requires a frame with a body-facing surface. The frame also includes a plurality of grasping members that extend from the frame. A fabric covers at least a portion of the body-facing surface of the frame. The fabric also engages the plurality of grasping members by permitting the grasping members to extend through the fabric. None of the prior art of record discloses this combination of limitations. Specifically, the fabric disclosed in Yang does not cover a portion of the body-facing surface of the frame. As explained above, the grasping members disclosed in Yang (*i.e.*, the unnumbered tabs) extend downward away from the body-facing side

of the frame. As such, the fabric in Yang covers the rear side of the frame, not the body-facing surface of the frame.


## **Conclusion**

None of the prior art of record discloses the limitations of the claims as now presented. The combination of limitations in independent claims 1, 19, 24 and 29 are allowable for the reasons stated above. Since the independent claims as now presented are allowable, additional arguments in support of the dependent claims would be superfluous and are unnecessary.

In an effort to advance prosecution of the presented claims, Applicants respectfully request an interview with the Examiner before continued examination.

In light of Applicants' amendments, their new claims, and the arguments in support thereof, reconsideration and allowance of the application is requested.

Respectfully submitted,



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## MARKED-UP VERSION SHOWING CHANGES MADE

1. (Twice Amended) A chair comprising: a frame having a series of grasping members located around a circumference of the frame and a fabric; wherein said series of grasping members secure said fabric to said frame, said fabric providing a body support surface; wherein said grasping members comprise teeth extending [upward] from said frame, each of said teeth comprising [a rounded top, a base and] an undercut area along an outside of said teeth, said undercut area defined at least in part by a first retaining surface and a second retaining surface, said second retaining surface overhanging said first retaining surface; and wherein said fabric comprises holes that said teeth protrude through thereby securing said fabric to said frame, a portion of said fabric being disposed under said second retaining surface.